

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK

VLADIMIR ZUK,

Plaintiff,

Civ. Action No.
5:07-CV-0732 (DNH/DEP)

vs.

ONONDAGA COUNTY,

Defendant.

APPEARANCES: _____ OF COUNSEL:

FOR PLAINTIFF:

VLADIMIR ZUK, *Pro Se*

FOR DEFENDANTS:

ONONDAGA COUNTY ATTORNEY KAREN ANN BLESKOSKI, ESQ.
421 Montgomery Street
10th Floor
Syracuse, NY 13202

DAVID E. PEEBLES
U.S. MAGISTRATE JUDGE

ORDER

_____ On January 24, 2008 I issued an order in which, *inter alia*, I granted plaintiff's motion for leave to file an amended complaint, in part. Dkt. No. 29. That order required the submission by the plaintiff of a proposed amended complaint to the court within thirty days, and provided an

opportunity for the defendants to interpose written objections to the proposed amended pleading within seven calendar days following its submission. *Id.*

The court has subsequently received and reviewed both a proposed amended complaint received from the plaintiff, Dkt. No. 32, and objections to the filing of that amended pleading by defendant's counsel, Dkt. No. 33. Having reviewed the complaint it appears that it does not comply with the court's prior directive in several regards. In addition to being unduly lengthy and prolix, containing a comprehensive set of factual allegations which are not necessary for inclusion in such a pleading under Rules 8 and 10 of the Federal Rules of Civil Procedure, it also fails to precisely define each cause of action including the basis for the claim, in concise terms, and the statutory or common law ground upon which it is predicated. The amended complaint also includes reference to matters which occurred during the Rule 16 pretrial conference conducted in this action by the court and, as plaintiff was advised, such statements, particularly those which relate to the possibility of settlement, are not appropriately included in the complaint.

Based upon the foregoing it is hereby

ORDERED as follows:

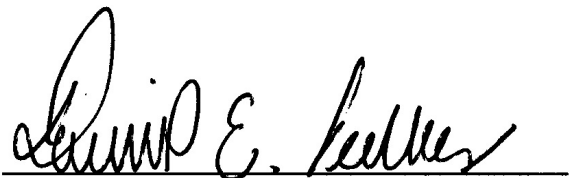
1) Plaintiff's proposed amended complaint (Dkt. No. 32) is hereby REJECTED.

2) Within twenty days of the date of this order, plaintiff shall submit to the court, with proof of service of a copy upon defendants' counsel, a proposed amended complaint curing these deficiencies.

3) Within seven calendar days of service of the proposed amended complaint defendant's counsel may file with the court written objections regarding that proposed pleading.

4) Pending receipt of the proposed revised amended complaint and objections, and the court's next scheduling conference, the deadlines in this case for completion of discovery and the filing of motions are hereby STAYED.

Dated: March 10, 2008
Syracuse, NY

A handwritten signature in black ink, appearing to read "David E. Peebles", is written over a horizontal line.

David E. Peebles
U.S. Magistrate Judge